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PATENT TRADEMARK OFFICE

S-80,958

0300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Julie J. Hand, et al.

Serial No. : 09/966,568

Art Unit:

Filed : September 27, 2001

Examiner:

Title: DISPOSABLE REMOTE ZERO HEADSPACE EXTRACTOR

PETITION UNDER 37 CFR § 1.181

**PETITION TO RESET THE PERIOD FOR
REPLY DUE TO LATE RECEIPT OF AN OFFICE ACTION
UNDER MPEP 710.06**

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

On October 25, 2001 the Patent and Trademark Office mailed out an Office Action for the above-identified Non-provisional application for which a response was due on December 25, 2001. The Office Action was received by our Chicago Operations office in Argonne, IL on April 19, 2002, over four months after our response was due in the Patent Office. Due to the mailing delays, resulting from precautions taken in response to anthrax contamination of the U.S. Mail, we request that the period for reply be reset due to late receipt of the Office Action. Further, we request that our response to the Office Action be held timely and entered as responsive to the Office Action. The following facts are believed to be pertinent to the petition.

1. The inventors of the referenced patent application are employees of Bechtel BWXT Idaho, LLC, the Management and Operating Contractor of Argonne West National Laboratory under Contract No. DE-AC07-99ID13727 (the Contract) with the U.S. Department of Energy. Under the terms of the Contract and 35 USC § 200 *et seq*, the U.S. Department of Energy takes

title to inventions developed by employees in the normal course of their employment which are non-elected by Bechtel. A utility patent application was prepared, reviewed and duly executed by the inventors and filed in the U.S. Patent and Trademark Office on September 27, 2001 and received Serial No. 09/966,568. The correspondence address was given as: Paul A. Gottlieb, Assistant General Counsel for Tech Transfer & Intel Prop, GC-62 (MS-6F-067) FORSTL, 1000 Independence Avenue., S.W.; Washington, D.C. 20585-0162. Inadvertently, United States Department of Energy was omitted from the correspondence address.

2. Anthrax contamination of the U.S. Mail was first reported on October 12, 2001. As widely reported, mail delivery service through a number of U.S. Postal Service handling facilities was disrupted. Mail service to many U.S. Government offices was suspended. As the U.S. Department of Energy is part of the executive branch of the U.S. Government, mail service was discontinued to our Washington, D.C. office on October 21, 2001.

3. The Notice to File Missing Parts for SN 09/966,568 was mailed from U.S. Patent and Trademark Office on October 25, 2001.

4. Mail service to our Washington, D.C. office was reinstated on November 19, 2001. However, we have been advised that all U.S. Postal Service mail will continue to be diverted to an Ohio facility for irradiation prior to delivery to our Washington, D.C. office, and that delivery could be delayed by three weeks or more.

5. We received a Notice for SN 09/966,568 by fax on April 19, 2002 at our Chicago Office in Argonne, IL. The shortened statutory period for response to the Office Action had lapsed by this time. Date stamping of all incoming fax is automatic. A separate declaration and statement of authenticity for a copy of the Notice, as provided by our headquarters staff, is included herewith. Clearly, the date-stamped copy of the Notice establishes that it was received at the correspondence address on April 19, 2002.

6. Due to the extraordinary circumstances related to the anthrax contamination of the U.S. mail and the associated precautions taken, we request that the period for reply be reset due to late receipt and that our response be held timely.

Applicants believe that this a non-fee petition. In the event a fee is due for this petition, please contact us.

Respectfully submitted,



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Date: 22 April 02